WATERS—GREAT PONDS—POWERS OF STATE.—AMERICAN WOOLEN CO. v. KENNEBEC WATER DIST., 66 ATL. 316 (ME.).—*Held,* that lakes and ponds of more than ten acres in extent are known as "great ponds" and are under the ownership and control of the state for the benefit of the public. The state can, at its discretion, authorize the diversion of their waters for public purposes, without providing compensation to riparian owners upon the ponds or their outlets.

Maine and Massachusetts are the only states which hold that ponds of ten acres and over are public property; this came from the Colonial Ordinance of 1641-1647. *Mansur v. Blake,* 62 Me. 38; *Hittinger v. Eames,* 121 Mass. 539. In the other states, only the great inland lakes which are navigable, and highways of inland communication and trade are public property, while in the small, unnavigable ponds, the riparian bound is the center. *Fletcher v. Phelps,* 28 Vt. 257; *Edwards v. Ogle,* 76 Ind. 302. These courts hold that the state, as proprietor, has no greater right than any other proprietor would have, as against the owners upon the streams from ponds, on the grounds that a permanent deprivation means the loss of a constitutional right, *i. e.,* the protection of property, *Cowles v. Kidder,* 24 N. H. 364; that damages must be given for injuries sustained because of another exercising his rights under a statute, *G. R. Booming Co. v. Jarvis,* 30 Mich. 308; that no riparian proprietor has a right to use the waters of a stream to the prejudice of other proprietors above or below, *Clinton v. Myers,* 46 N. Y. 511; that the legislature cannot authorize the infliction of such an injury without making provisions for compensation. *Eaton v. B. C. P. M. R. R.,* 51 N. H. 504.

WILLS—CONSTRUCTION—PAROL EVIDENCE.—PEET v. PEET, 82 N. E. (ILL.) 376.—Testator made a will leaving all his property to his wife, making no references to his children. Eighteen months thereafter a child was born. A state statute provided that a child born to any testator after the making of his will shall not be disinherited unless it shall appear from the will that it was the intention of the testator to disinherit such child. *Held,* that parol evidence was admissible to enable the court to see and determine that such was the testator's intention. Cartwright, Farmer, and Dunn, J.J., *dissenting*

A will is at common law revoked by subsequent marriage and birth of issue. *1 Redfield on Wills,* Ch. VII. Neither one alone is enough to revoke a will. *Brush v. Wilkins,* 4 Johns. Ch. 506. Birth of a child alone will effect a revocation of a will. *McCullum v. McKenzie,* 26 Ia. 510. Parol evidence of testator's intention is admissible to explain latent ambiguities. *1 Jarman on Wills,* Section 402, *et seq.; Trustees v. Peasely,* 15 N. H. 317. That testator did not intend the person to have any part of the estate must be ascertained from the proper meaning of the words of the will and not from extrinsic testimony. *Chenault's Guardian v. Chenault's Exec.,* 88 Ky. 83. Extrinsic testimony is admissible of circumstances relating to the testator, individually, and his affairs, to enable the court to discover the meaning attached by the testator to the words used in the will, and apply them to the particular facts in the case. *Peet v. Railway,* 70 Tex. 522. Under statute similar to one in this case, extrinsic testimony showing an intention to disinherit child was held admissible. *Willson v. Fosket,* 6 Metc. 440; *Lorieux v. Keller,* 510, 196; *Coulan v. Doull, Estate of Garraud,* 35 Cal. 336; *Hill v. Hill,* 4 Utah 267. *Contra,* 7 Wash. 409.